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DEPARTMENT OF
WATER RESOURCES

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE ON
) UNCONTESTED WATER RIGHT CLAIM

) FOR WATER RIGHT 63-32333
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On December 26, 2005, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part II, Irrigation and Other, For Reporting Area 13 (Basin 63)*, which included a recommendation for the above-captioned water right. No objections to this recommendation were filed and the time period for filing objections has now expired. On June 21, 2006, a *Notice of Completed Administrative Proceeding* was filed indicating a change in ownership. The date originally set for the hearing on the uncontested rights in Basin 63 Part II was July 18, 2006.

On June 26, 2006, claimants Tom and Tammy Magnuson filed correspondence which the Court treated as a *Motion for Entry of Partial Decree on Uncontested Water Right Claim*. Pursuant to the *Motion* the Magnusons explained that they contacted the Court regarding the hearing on the uncontested rights and were informed that the hearing would be continued from the July 18, 2006, date until after initial hearings had been conducted for Basin 63 Part II. The *Motion* sought entry of a partial decree for the water right as of the originally scheduled hearing date for the uncontested rights in Basin 63 Part II or shortly thereafter because of undue hardship resulting from delay in the sale of the property and appurtenant water right pending the issuance of the partial decree.

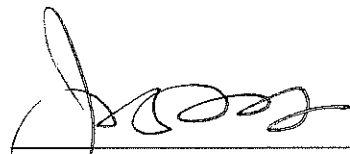
At the time and date set for the hearing on the uncontested rights for Basin 63 Part II the Court continued the hearing until December 19, 2006. The Court also heard the Magnuson's *Motion*. Counsel for IDWR appeared and stated that based on a review of the file for the water right claim it was not anticipated that the right would be affected by related contested rights overlapping or otherwise.

After reviewing the *Motion* and hearing argument the Court granted the *Motion* to issue the partial decree in advance of the remainder of the uncontested rights based on the following findings and limitations:

1. The statutory period had elapsed for issuing partial decrees for the uncontested rights in Basin 63 Part II;
2. The hearing on the uncontested rights was originally set for July 18, 2006, but had to be continued due to extenuating circumstances;
3. Counsel for IDWR indicated that it was not anticipated that water right 63-32333 would subsequently be affected by a contested matter;
4. The claim is based on a license which recently went through an administrative split, as such; IDWR was in a position to better identify potential overlapping contested matters in conjunction with the administrative proceeding.
5. The claimant demonstrated good cause based on undue hardship; and,
6. The Court's decision to grant the *Motion* is limited to the facts and circumstances of this particular case and is not intended as an endorsement for issuing uncontested portions of the director's reports issue on a piecemeal basis.

THEREFORE, for good cause demonstrated, IT IS ORDERED that water right 63-32333 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated: July 28, 2006



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

2006 JUL 28 PM 2:09

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PAGE 1
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CERTIFICATE OF MAILING

Water Right(s): 63-32333

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-32333 was mailed
on July 28, 2006, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TAMMY MAGNUSON
THOMAS MAGNUSON
3143 S MARYMEADE AVE
EAGLE, ID 83616

DIANA DELANEY
Chief Deputy Clerk